

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

PENNY REICHMAN,	)	CASE NO. 5:07 CV 2470
	)	
Plaintiff,	)	
	)	
v.	)	JUDGE ADAMS
	)	
MICHAEL J. ASTRUE,	)	MAGISTRATE JUDGE McHARGH
Commissioner	)	
of Social Security,	)	
	)	<b><u>REPORT AND RECOMMENDATION</u></b>
Defendants.	)	

On August 15, 2007, Plaintiff Penny Reichman filed a Complaint in this Court alleging that the final decision of the Commissioner of Social Security (“Commissioner”) denying her application for Disability Insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§416(i) and 423, and Supplemental Security Income benefits under Title XVI of the Social Security Act, 42 U.S.C. §1381 *et seq.*, was not supported by substantial evidence. On August 23, 2007, this case was referred to Magistrate Judge Patricia A. Hemann pursuant to Local Rule.

On August 27, 2007, Magistrate Judge Hemann set forth a Scheduling Order (doc. 7), pursuant to which Plaintiff was to file her brief by December 14, 2007. On February 29, 2008, pursuant to General Order 2008-6, the referral of this case was withdrawn and the case was referred to Magistrate Judge Kenneth S. McHargh. At the time of the referral, Plaintiff had not yet filed her brief. On March 10, 2008, Magistrate Judge McHargh ordered Plaintiff, within fourteen (14) days, to file her brief on the merits or show cause as to why the Magistrate Judge should not recommend her Complaint be dismissed. (Doc. 13.) On March 14, 2008, Plaintiff’s counsel orally notified the Court that his client had passed away and requested an extension of time until April 11, 2008 in

which to file a brief or show cause as to why the Magistrate Judge should not recommend the case be dismissed. The Magistrate Judge granted counsel's oral request. (Doc. 14.)

To date, counsel has not filed a brief or shown cause as to why the Magistrate Judge should not recommend the case be dismissed. Nor has counsel sought leave for an extension of time in which to do so. Accordingly, the Magistrate Judge recommends Plaintiff's Complaint be dismissed.

s/Kenneth S. McHargh  
Kenneth S. McHargh  
United States Magistrate Judge

Date: April 18, 2008

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of mailing of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).